

ORIGINAL



March 17, 2019

Hon. Carol B. Amon
U.S. District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Sarker v. Hollis-PJ Inc.*, 18-cv-2406 (CBA) (CLP)

Dear Judge Amon:

I am the *pro se* Defendant in the above-captioned case. I write to respectfully object to the Report and Recommendation filed by Magistrate Judge Pollack on February 20, 2019. *See* ECF # 10. The Court granted me an extension of time to file my objections to the Report and Recommendation until March 26, 2019. *See* ECF # 12.

I object to the Report and Recommendations for the following reasons:

BACKGROUND

1. My name is Tamim Uddin. I own two Papa John's restaurant franchises in Queens, in the neighborhoods of Hollis and Springfield.
2. I purchased these stores from the previous owner after working for him for approximately nine years.
3. Mr. Khaled Sarker is a relative of mine. He is married to my cousin. We are in the same community and religious group. I see him frequently at family events.
4. Mr. Sarker began working for me in 2015.
5. In approximately 2017 the ownership of Papa John's corporation made offensive public statements, particularly in regard to race and African-Americans, that substantially impacted my business in a negative way. Since then, my business is

down approximately 28%. At the same time, labor costs have increased due to the new minimum wage.

6. At this time, my business is near bankrupt and I don't know how much longer I can continue to operate.
7. In April 2018 I told Mr. Sarker that I could no longer afford to keep him on as an employee.
8. Approximately two weeks later, after discussions within my family, Mr. Sarker came back to work for me.
9. At the time he came back, to help out his family for lost wages, I gave a \$500 bonus check to him.
10. After he began getting paid again, he offered to repay me the \$500, which I declined.
11. Shortly after Mr. Sarker came back to work for me, I received the Complaint in the mail. This is the first time I became aware of the suit.
12. I asked Mr. Sarker about it and he told me that he went to a lawyer, who I understand to be Mr. Abdul Hassan, when he was upset and that he regretted it. He told me that he would drop the suit.
13. I am attaching to this document a copy of a notarized letter from Mr. Sarker, dated May 9, 2018, explaining that he wanted to drop the case and terminate Mr. Hassan's representation of him.
14. I contacted a lawyer, Mr. Arthur Forman, for advice on how to handle the situation. Mr. Forman sent a letter to Mr. Hassan explaining that both sides wanted to drop the suit. I am attaching a copy of this letter as well.

15. Mr. Sarker and I never discussed a monetary settlement of the case. The \$500 bonus

I paid him was meant to help him get back on his feet after not working, not as a settlement offer. He even offered to pay it back to me, unrelated to the case.

16. I rehired Mr. Sarker before I knew he filed the case. He did not tell me about it before being rehired, and I also hadn't received the Complaint yet. I am not aware if Mr. Sarker understood that the case would actually be filed.

17. Mr. Sarker is my relative and a close member of my community, I have never attempted to intimidate or coerce him into dropping the case in anyway.

18. Mr. Sarker and I continue to work together, and often work side by side at the restaurant.

19. We both want to put this matter behind us.

20. My business is barely afloat and I cannot afford an attorney.

21. I apologize for the inconvenience to the Court and can provide proof of anything stated here.

For the foregoing reasons, I object to the Report and Recommendation and request that this Court dismiss the case, as that is what both sides want..

Respectfully submitted,



Tamim Uddin

Defendant, *pro se*

AFFIRMATION OF SERVICE

I, Tamim Uddin, declare under penalty of perjury that I have served a copy of the foregoing Objections to the Report and Recommendations on opposing counsel, Abdul Hassan, whose address is Abdul Hassan Law Group, PLLC, 215-28 Hillside Ave., Queens Village, NY 11427, by the following method:

Check one

☒ US Mail.

☐ Hand delivery.

☐ Fed Ex, UPS, or other private carrier.

Dated: 3.19.19

Brooklyn, NY

_____

Tamim Uddin

1127 Glenmore Ave.

Brooklyn, NY 11208

(718) 708-0272

To
Abdul Hassan Law Group, PLLC

I Khaled Sarker Writting this
Letter to Mr. Hassan I want to
Drop the Case against Hollis PJ
Inc and Tamim Uddin.

I Dont want to you to running
Case for me. any more.

Pls. Drop the Case,
thank you.

* Khaled Hussain Sarker
Khaled Sarker.

STATE OF NEW YORK)
COUNTY OF Queens) SS.:

On this 9th day of May, 2018,

before me personally came Sarker, Khaled
to me known and known to me to be person described
in and who executed the foregoing instrument and he/she
acknowledged to me that he/she executed the same.

Notary Public

